

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT
OF MISSISSIPPI

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In re:

Case No. 23-10069-SDM
Chapter 7

LITTCO METALS, LLC,

Debtor

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JASON LITTRELL AND WILLIAM L. FAVA, TRUSTEES FOR
LITTCO METALS, LLC d/b/a LITTCO, LLC, LITTCO METALS
EQUIPMENT LEASING, INC., AND LITTCO METALS
MANAGEMENT CO.

Adv. Pro. No. 24-01024

Plaintiffs

v.

TYLER BURGESS; TONIA ETOH; INTERNATIONAL
DEVELOPMENT SERVICES, INC.; INTERNATIONAL SERVICES,
INC.; TAVAS, LLC; PINEHURST CAPITAL, INC.; TIM WILLITS;
NATHAN FREE; JEROLD WEISSBERG; ROBERT LEGON; BRUCE
BUSH; DALE JOHNSTON; JAMES PETERS; BYZFUNDER NY,
LLC; NEWCO CAPITAL GROUP IV, LLC; MEHANDI VAKIL; WISE
VENTURE, LLC; STEVEN MARKOWITZ, JR.; SAMSON, MCA,
LLC; CLOUDFUND, LLC D/B/A SAMSON GROUP; UNIQUE
FUNDING SOLUTIONS, LLC; YAAKOV WINOGRAD;
PROSPERUM CAPITAL PARTNERS, LLC D/B/A ARSENAL
FUNDING; JOHN AND JANE DOES 1-10; AND ENTITY DOES 1-5

Defendants.

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**DEFENDANTS CLOUDFUND, LLC DBA SAMSON GROUP'S
MOTION TO DISMISS**

Defendant, Cloudfund, LLC dba Samson Group (“Cloudfund”) moves this Court to dismiss Cloudfund and to dismiss plaintiffs’ Second Amended Complaint in its entirety as follows:

Statement as to Core/Non-Core Jurisdiction

Pursuant to Federal Rule of Bankruptcy Procedure 7008, Cloudfund does not consent to the entry of final orders or judgments by the Bankruptcy Court.¹

Motion

1. Cloudfund joins the IDS Defendants in their assertion that Plaintiff William L. Fava (“Fava” or “Trustee”) is the trustee only for debtor Littco Metals, LLC, and not for the three other non-debtor, separate legal entities he purports to be asserting claims for: Littco, LLC; Littco Metals Equipment Leasing, Inc., and Littco Metals Management Co. ECF Doc. Nos. 49-50. Cloudfund additionally joins in the IDS Defendants’ Motion requesting that the Court dismiss these three entities as plaintiffs and/or dismiss any and all claims purportedly filed by Fava on behalf of these three non-debtor entities.

2. The Court should dismiss all of the Counts against Cloudfund and all of the Defendants pursuant to Federal Rule of Civil Procedure 12(b)(6) made applicable to this action by Federal Rule of Bankruptcy Procedure Rule 7012(b)(6) for failure to state a cause of action pursuant to the pleading standards set out in the Federal Rules of Civil Procedure 8(a)(2) and 9(b).

3. Cloudfund has filed a memorandum contemporaneously with this motion setting forth the argument and authorities that support the motion.

¹ Certain other Defendants (the “IDS Defendants”) filed a motion to withdraw the reference of this adversary procedure pursuant to 28 U.S.C. § 157(d). ECF Doc. No. 47-48. Cloudfund joins the IDS Defendants in their motion to withdraw reference of this adversary procedure.

Dated: March 28, 2025

Respectfully submitted:

/s/Tristan Manthey

Tristan Manthey, MS Bar No. 106437

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Counsel to Cloudfund, LLC dba Samson Group

CERTIFICATE OF SERVICE

I, Tristan Manthey, do hereby certify that I have caused to be served the above and foregoing pleading on all parties requesting notice by using the ECF Filing system of the court.

This 28th day of March 2025.

/s/Tristan Manthey

Tristan Manthey